

STATE OF MICHIGAN
COURT OF APPEALS

RUTH L. MILLER,

Plaintiff-Appellee,

v

KEYSTONE FINANCIAL, INC., d/b/a
KEYSTONE FINANCIAL GROUPM, INC., and
ED WOOD,

Defendant-Appellants,

and

FIRST FINANCIAL ACCEPTANCE COMPANY,
INC.,

Defendant,

UNPUBLISHED

March 3, 2000

No. 209870

Oakland Circuit Court

LC No. 97-538475 CK

Before: Kelly, P.J., and Jansen and White, JJ.

WHITE, J. (concurring in part and dissenting in part).

I agree that no genuine issues of material fact existed with respect to the contract claim against Keystone and that the circuit court properly granted summary disposition to plaintiff. I also agree that material factual issues remained regarding the fraud and conversion claims and that summary disposition was improper as to these claims.

I dissent from the majority's affirmance with respect to Wood. I would reverse the grant of summary disposition with respect to Wood and remand for further proceedings regarding his individual liability. Wood correctly observes that although it recognized that Wood was an agent of the corporate defendant, the trial court gave no explanation for holding Wood liable in his individual capacity. Plaintiff's argument in support of Wood's individual liability focuses on

Wood's allegedly fraudulent statements and his involvement in the alleged concealment and conversion. Since we have determined that factual issues remained regarding these claims, I would reverse and remand as to Wood as well.

/s/ Helene N. White